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8 **UNITED STATES BANKRUPTCY COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 In re: ) Case No. 14-02016-LT13

11 Frank Townsend, )

12 )  
13 Debtor )

14 ) **REQUEST TO STRIKE DEBTOR'S**  
15 ) **"SUPPLEMENTAL" DECLARATION**  
16 ) **IN SUPPORT OF OBJECTION TO**  
17 ) **PROOF OF CLAIM NO. 6**

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Hearing  
Date: August 26, 2014  
Time: 10:00 A.M.  
Dept: 3

[Honorable Laura S. Taylor]

1 Creditor, Linda Townsend, submits the following objection to the “Supplemental Declaration  
2 of Debtor in Support of Objection to Proof of Claim.”

3 **Untimely “Supplemental Declaration”**

4 Debtor failed to support his initial with any declaration that addresses the issues of this case;  
5 and after the parties met and conferred on August 5, 2014, the debtor filed said “supplemental”  
6 declaration. The declaration is not a timely filed document - even if it were considered to be a reply  
7 - a reply is due to be filed and served within 7 days of my client’s response to the claim objection,  
8 [Bankruptcy Rule 9013-5].  
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10 Linda Townsend’s response and declaration in support thereof was filed and served on July  
11 20, 2014. The response raised the issue of debtor not providing a declaration in support of his claim  
12 objection. On July 30, 2014, debtor filed a reply, which alleged that the signing of the form was  
13 sufficient, but failed to address the issue of his intent at the time of the agreement.

14 The “supplemental” declaration, filed on August 7, 2014, seems disingenuous in its timing  
15 and content. Debtor has ample opportunity to parrot his attorney’s legal position in a declaration  
16 and failed to timely file said declaration.

17 Linda Townsend requests that this court strike debtor’s supplemental declaration.

18 Respectfully Submitted,  
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20 Dated: August 19, 2014

21 /s/ Russel T. Little  
Russel T. Little, Attorney for Linda Townsend  
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IN THE UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
CASE NO. 14-02016-LT13

PROOF OF SERVICE

I, Russel T. Little, am a resident of San Diego, California, and I am over the age of eighteen (18) years, and not a party to the within action. My business address is 185 West "F" Street, Suite 100, San Diego, California 92101.

A true and correct copy of the foregoing document described as **REQUEST TO STRIKE DEBTOR'S "SUPPLEMENTAL" DECLARATION IN SUPPORT OF OBJECTION TO PROOF OF CLAIM NO. 6**, will be served in the manner indicated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING [NEF] - Pursuant to controlling General Order No. 162, the foregoing document will be served by the court via NEF and hyperlink to the document as follows:

David L. Skelton  
admin@ch13.sdcoxmail.com;dskelton13@ecf.epiqsystems.com

David L. Skelton on behalf of Trustee David L. Skelton  
admin@ch13.sdcoxmail.com;dskelton13@ecf.epiqsystems.com

Ahren Tiller on behalf of Debtor Frank A. Townsend  
atiller@blc-sd.com,  
brett.bodie@blc-sd.com;carolina@blc-sd.com;ccosyleon@blc-sd.com;anika@blc-sd.com;nicole@blc-sd.com;erobles@blc-sd.com;danny@blc-sd.com;kreyes@blc-sd.com;wil@blc-sd.com

United States Trustee  
ustp.region15@usdoj.gov

2. SERVED BY U.S. MAIL - I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and/or with an overnight mail service addressed as follows:

Frank Townsend Debtor  
3322 39<sup>th</sup> St.  
San Diego, CA 92105

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 19, 2014, at San Diego, California.

/s/ Russel T. Little  
RUSSEL T. LITTLE